

SERVED : June 9, 1993

NTSB Order No. EA-3897

**UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.**

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 28th day of May, 1993

JOSEPH M. DEL BALZO,
Acting Administrator,
Federal Aviation Administration,)

Complainant,)

v.)

DAVID G. MAHAFFEY,)

Respondent.)

Docket SE-12411

ORDER DISMISSING APPEAL

On December 23, 1992, the respondent filed a notice of appeal from the oral initial decision issued by Administrative Law Judge Patrick G. Geraghty on December 16, 1992.¹ However, the respondent has failed to file an appeal brief and, therefore,

¹The law judge affirmed an order of the Administrator alleging that respondent had violated Section 135.5 of the Federal Aviation Regulations, but modified the order to provide for a 30 rather than a 45-day suspension of respondent's airline transport pilot certificate (No. 1771484). On February 4, 1993, the Administrator filed a motion to withdraw his appeal of the sanction reduction in this matter.

his appeal is subject to dismissal under section 821.48(a) of the Board's Rules of Practice.² 49 CFR 821.

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

VOGT , Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²Section 821.48(a) provides as follows:

"§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."